

AGENDA BILL APPROVAL FORM

Agenda Subject: Ordinance No. 6221 for Final Plat Application No. PLT08-0023		Date: December 9, 2008
Department: Planning, Building and Community	Attachments: See Exhibit list below	Budget Impact:
Administrative Recommendation: City Council to introduce and adopt Ordinance No. 6221.		
<p>Background Summary: Apex Engineering on behalf of Lakeland East LLC has made application for the Final Plat of "Lakeland East". The preliminary plat was approved by the City Council on May 11, 2006 by Resolution No. 4026.</p> <p>Lakeland East received preliminary plat approval for the subdivision of a 62.06-acre site into 141 single-family lots with the two remaining lots being reserved for anticipated multi-family development. The preliminary plat request also included seven tracts for access (Tract F & G), storm drainage (Tract A), a private park (Tract E), open space (Tract D & F), and a critical area (Tract B). (Tract "C" was not used.)</p> <p>The property is generally located between 62nd Street SE to the north, former Old Man Thomas Road to the west, and Sumner Tapps Hwy to the south (Pierce County parcels #0520052034, 0520052035, 0520052036, 0520052037, 0520053061, 0520053062, 0520053063, 0520053064, 0520053028, 0520056014, 0520056015, 0520056017, and 0520056022).</p> <p>Subsequent to preliminary plat approval, three minor adjustments have been processed and approved by the Planning Director in accordance with Auburn City Code (ACC) Section 17.06.100. In March 2007, a reduction in the number of lots from 143 to 132 and a change in the design and use of Tract F to accommodate 63rd Place SE were approved. In June 2007, a change in the location of the park (Tract E) from Victoria Avenue SE to 63rd Place SE was approved. In October 2008, reconfiguration of Lots 1 and 2 increasing lot area and a corresponding reduction in the total area of Tract D was approved. The applicant recently recorded a Boundary Line Adjustment for the portion of the preliminary plat located south of Lake Tapps Parkway removing one of the two large lots from the Lakeland East plat. The final plat application reflects these collective changes.</p> <p>L1215-1 O3.5 PLT08-0023</p>		
Reviewed by Council & Committees: <input type="checkbox"/> Arts Commission COUNCIL COMMITTEES: <input type="checkbox"/> Airport <input type="checkbox"/> Finance <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Municipal Serv. <input type="checkbox"/> Human Services <input type="checkbox"/> Planning & CD <input type="checkbox"/> Park Board <input type="checkbox"/> Public Works <input type="checkbox"/> Planning Comm. <input type="checkbox"/> Other _____		Reviewed by Departments & Divisions: <input checked="" type="checkbox"/> Building <input type="checkbox"/> M&O <input type="checkbox"/> Cemetery <input type="checkbox"/> Mayor <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Parks <input checked="" type="checkbox"/> Fire <input checked="" type="checkbox"/> Planning <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Police <input type="checkbox"/> Public Works <input type="checkbox"/> Human Resources <input type="checkbox"/> Information Services
Action: Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Call for Public Hearing __/__/__ Referred to _____ Until __/__/__ Tabled _____ Until __/__/__		
Councilmember: Norman		Staff: Baker
Meeting Date: December 15, 2008		Item Number: VIII.A.4

The final plat request is for subdivision of a 45-acre site into 130 single-family lots with lot 131 reserved for multi-family development. The final plat request also includes seven tracts for storm drainage (Tract A), a critical area (Tract B), utilities (Tract C & G), open space (Tract D), a private park (Tract E), and access (Tract F & G).

A financial security in lieu of completion of all the plat improvements has been provided to the City. The City Engineer has signed the Certificate of Improvements accepting the security in lieu of the applicant completing all of the infrastructure improvements.

The project is subject to the fourth amendment to the Lakeland Annexation and Utilities Agreement. The plat has been developed in accordance with the Lakeland Hills South Planned Unit Development zoning district as defined by ACC, Section 18.76. The subdivision proposed for final plat approval conforms to all terms of the preliminary plat approval. Ordinance No. 6221 approves the final plat of Lakeland East.

Attached for your consideration are the following Exhibits:

- Exhibit 1 – Final Plat (map)
- Exhibit 2 – Completed Final Plat Application Form
- Exhibit 3 – Resolution No. 4026, approving the Preliminary Plat of Lakeland East
- Exhibit 4 – SEPA Addendum to FEIS, File No SEP05-0042
- Exhibit 5 – The City Engineer's Certificate of Improvements
- Exhibit 6 – Proposed Ordinance No. 6221 (approving the Final Plat of Lakeland East)

ORDINANCE NO. 6 2 2 1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, APPROVING THE FINAL PLAT OF LAKELAND EAST

WHEREAS, the City of Auburn received a final plat application for the Plat of Lakeland East, Application No. PLT08-0023, the final approval of which is appropriate for City Council action; and

WHEREAS, based on the review given this Plat by the City, the City Council hereby makes and enters the following:

FINDINGS OF FACT

1. Apex Engineering on behalf of Lakeland East LLC has requested final plat approval of Lakeland East and all applicable conditions have been met.
2. The preliminary plat was approved by the City Council on May 11, 2006 by Resolution No. 4026. The plat has been developed in accordance with the Lakeland Hills South Planned Unit Development zoning district.
3. Subsequent to preliminary plat approval, three minor adjustments have been processed and approved by the Planning Director in accordance with Auburn City Code (ACC) Section 17.06.100. In March 2007, a reduction in the number of lots from 143 to 132 and a change in the design and use of Tract F to accommodate 63rd Place SE were approved. In June 2007, a change in the location of the park (Tract E) from Victoria Avenue SE to 63rd Place SE was approved. In October 2008, reconfiguration of Lots 1 and 2 increasing lot area and a corresponding reduction in the total area of Tract D was approved.
4. A Certificate of Improvements has been issued by the City Engineer, accepting a security in lieu of the applicant completing all of the infrastructure improvements.
5. The project is subject to the fourth amendment to the Lakeland Annexation and Utilities Agreement.
6. The Final Plat is in compliance and in conformity with applicable Zoning and Land Division Ordinances and other applicable land use controls.

7. The Final Plat is consistent with the comprehensive plan.
8. The Final Plat meets the requirements of Chapter 58.17 RCW.
9. The Final Plat meets the requirements of the Preliminary Plat as referenced above.

CONCLUSIONS OF LAW

Because the Final Plat is in compliance and in conformity with applicable Zoning and Land Division Ordinances and other applicable land use controls of the City and is consistent with the comprehensive plan, and meets the requirements of Chapter 58.17 RCW and the requirements of the Preliminary Plat as referenced above, it is appropriate to approve the final Plat.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Approval. Lakeland East, a subdivision involving property located within the City of Auburn, Washington, which plat is legally described on Sheet 1 of the Final Plat and set forth in Exhibit "A", attached hereto and incorporated herein by reference, is hereby approved, and deemed to conform to the applicable requirements for Plat approval.

Section 2. Constitutionality or Invalidity. If any section, subsection clause or phase of this Ordinance is for any reason held to be invalid or unconstitutional such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance, as it is being hereby expressly declared that this Ordinance and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed adopted and approved and ratified irrespective of the fact that nay one or more section, subsection, sentence, clause or phrase be declared invalid or unconstitutional.

Section 3. Recordation. Upon the passage, approval and publication of this Ordinance as provided by law, the City Clerk of the City of Auburn shall

cause this Ordinance to be recorded in the office of the King County Records, Elections and Licensing Services Division.

Section 4. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 5. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

PETER B. LEWIS
MAYOR

ATTEST:

Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:



Daniel B. Heid,
City Attorney

Published: _____

EXHIBIT A

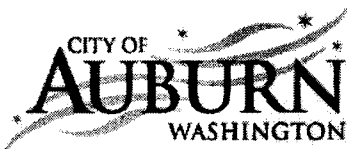
A PARCEL OF LAND LYING WITHIN THE WEST HALF OF SECTION 5
TOWNSHIP 20 NORTH RANGE 5 EAST, OF THE WILLAMETTE MERIDIAN,
CITY OF AUBURN, PIERCE COUNTY WASHINGTON AND MORE
SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF EVERGREEN 2, AS SHOWN ON THE PLAT THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 200010165001, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE NORTH $02^{\circ}01'22''$ EAST ALONG THE EAST LINE THEREOF AND THE EAST LINE OF LAKELAND DIVISION III, PHASE II AS SHOWN ON THE PLAT THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 9806225001, RECORDS OF PIERCE COUNTY, WASHINGTON, 673.81 FEET TO THE SOUTH LINE OF LAKELAND DIVISION III, PHASE I, AS SHOWN ON THE PLAT THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 9808055001, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE NORTH $89^{\circ}32'04''$ EAST, ALONG SAID SOUTH LINE AND THE SOUTH LINE OF EASTPOINTE 2, AS SHOWN ON THE PLAT THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 200012155001, RECORDS OF PIERCE COUNTY, WASHINGTON, 1184.87 FEET; THENCE SOUTH $13^{\circ}37'57''$ EAST 161.80 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, AND HAVING A RADIUS OF 75.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $60^{\circ}54'08''$, A DISTANCE OF 79.72 FEET; THENCE SOUTH $74^{\circ}32'05''$ EAST 94.37 FEET; THENCE SOUTH $31^{\circ}25'19''$ EAST 72.00 FEET TO A POINT ON A NONTANGENT CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 216.00 FEET AND TO WHICH POINT A RADIAL BEARS SOUTH $31^{\circ}25'19''$ EAST; THENCE NORTHEASTERLY AND COUNTER CLOCKWISE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $06^{\circ}20'24''$, A DISTANCE OF 23.90 FEET; THENCE SOUTH $31^{\circ}39'12''$ EAST 30.64 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF $81^{\circ}47'33''$, A DISTANCE OF 142.75 FEET TO A POINT ON A NONTANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL BEARS NORTH $84^{\circ}52'59''$ WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE $76^{\circ}28'26''$, A DISTANCE 133.47 FEET TO A POINT ON A NONTANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL BEARS, NORTH $67^{\circ}42'46''$ WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE $43^{\circ}40'15''$, A DISTANCE OF 76.22 FEET TO A POINT ON A NONTANGENT CURVE CONCAVE SOUTHEASTERLY,

HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL BEARS, NORTH 48°24'21" WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 38°47'53", A DISTANCE OF 67.72 FEET; THENCE SOUTH 02°47'46" WEST 69.74 FEET; THENCE SOUTH 34°44'48" EAST 80.23 FEET TO A POINT ON THE NORTH MARGIN OF LAKE TAPPS PARKWAY SOUTHEAST, SAID POINT ALSO BEING A POINT ON A NONTANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 965.00 FEET TO WHICH POINT A RADIAL BEARS, NORTH 34°44'48" WEST; THENCE SOUTHWESTERLY AND COUNTER CLOCKWISE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°37'43", A DISTANCE OF 330.59 FEET; THENCE CONTINUING ALONG SAID MARGIN SOUTH 35°37'29" WEST 700.20 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 915.00 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°37'52", A DISTANCE 329.47 FEET; THENCE NORTH 33°44'39" WEST 7.00 FEET TO A POINT ON A NONTANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 908.00 FEET AND TO WHICH POINT A RADIAL BEARS, SOUTH 33°44'39" EAST; THENCE SOUTHERLY AND CLOCKWISE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°25'49" A

DISTANCE OF 149.45 FEET; THENCE NORTH 69°23'07" WEST 35.33 FEET; THENCE NORTH 24°38'29" WEST 37.96 FEET; THENCE SOUTH 65°21'31" WEST 62.88 FEET; THENCE SOUTH 24°37'18" EAST 11.92 FEET; THENCE SOUTH 89°44'13" WEST 20.84 FEET TO THE EASTERLY LINE OF PINNACLE ESTATES PHASE 1, AS SHOWN ON THE PLAT THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 200509205004, RECORDS OF PIERCE COUNTY WASHINGTON; THENCE NORTH 17°20'27" WEST 1183.62 FEET TO THE SOUTH LINE OF THE AFOREMENTIONED EVERGREEN 2 EXTENDED EASTERLY; THENCE SOUTH 89°09'03" WEST 186.23 FEET TO THE **POINT OF BEGINNING**.

TOGETHER WITH NEW PARCEL B PER RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT RECORDED UNDER A.F.N. 200812085006, RECORDS OF PIERCE COUNTY AUDITOR SITUATED IN THE CITY OF AUBURN, PIERCE COUNTY, WASHINGTON.



Planning, Building, and Community Department

Exhibit 2
Number of Pages 3

MASTER LAND USE APPLICATION – PLANNING APPLICATIONS

Project Name Lakeland East Date 10-22-08
 Parcel No(s) 052005-2034;2035;2036;2037;
3052;3053;3062;3063;3064;3028; Site Address 17021 - 7th St. E.
6014;6015;6017;6022
 Legal Description (attached separate sheet if necessary) See attached.

Applicant

Name: Apex Engineering, PLLC
 Mailing Address: 2601 S. 35th St. Ste. 200 Tacoma, WA 98409
 Telephone and Fax: (253)473-4494 Fax (253)473-0599
 Email: wakefield@apexengineering.net & saunders@apexengineering.net
 Signature:

Owner (if more than one attach another sheet)

Name: Lakeland East, LLC
 Mailing Address: 1302 Puyallup St. Sumner, WA 98390
 Telephone and Fax: (253)863-6200
 Email: mwaiss@investco.com
 Signature:

Engineer/Architecture/Other

Name: Apex Engineering Attn: Jerry Wakefield
 Mailing Address: 2601 S. 35th St. Ste. 200 Tacoma, WA 98409
 Telephone and Fax: (253)473-4494 Fax (253)473-0599
 Email: wakefield@apexengineering.net

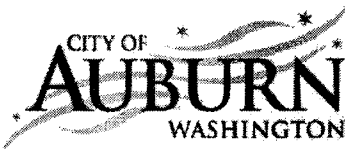
Description of Proposed Action:

Subdivide approximately 45 acres into 130 single family residential lots with 7 tracts for public storm, landscaping, open space, utilities, and pedestrian access and 1 lot retained for future development (10.82 Acres).

Type of Application Required (Check all that Apply)

<input type="checkbox"/>	Administrative Appeal*	<input type="checkbox"/>	Rezone (site specific)* Area Wide
<input type="checkbox"/>	Administrative Use Permit*	<input type="checkbox"/>	Short Plat
<input type="checkbox"/>	Annexation*	<input type="checkbox"/>	Special Exception*
<input type="checkbox"/>	Boundary Line Adjustment	<input type="checkbox"/>	Special Home Occupation Permit*
<input type="checkbox"/>	Comprehensive Plan Amendment (Text or Map)*	<input type="checkbox"/>	Substantial Shoreline Development*
<input type="checkbox"/>	Conditional Use Permit*	<input type="checkbox"/>	Surface Mining Permit*
<input type="checkbox"/>	Critical Areas Variance*	<input type="checkbox"/>	Temporary Use Permit
<input type="checkbox"/>	Development Agreement*	<input type="checkbox"/>	Variance*
<input type="checkbox"/>	Environmental Review (SEPA)*	<input type="checkbox"/>	*Please note that public notification is required. A separate cost is charged for the signs. City prepares signs but applicant responsible for sign posting.
<input checked="" type="checkbox"/>	Final Plat	<input type="checkbox"/>	
<input type="checkbox"/>	Preliminary Plat*	<input type="checkbox"/>	
<input type="checkbox"/>	PUD Site Plan Approval	<input type="checkbox"/>	
<input type="checkbox"/>	Reasonable Use Exception*	<input type="checkbox"/>	

10/27/2008
PL108 0023



Planning, Building, and Community Department

LETTER FROM PROPERTY OWNER GRANTING AUTHORIZATION TO ACT
(A copy of this letter must be submitted for each property owner involved)

MARTIN D. WAISS, PRESIDENT, INVESTCO FINANCIAL CORP, AS MANAGER OF LAKE LAND
I, EAST LLC, owner, being duly sworn declare that I am the owner of the property
(PROPERTY OWNER)

Involved in the application. I hereby grant Jerry Wakefield & Staci Saunders
of Apex Engineering, PLLC to act on my behalf. I further declare that all
statements, answers, and information herein submitted is in all respects true and correct to the
best of my knowledge and belief.

Martin D. Waiss, President – Investco Financial
Corporation as Manager of Lakeland East L.L.C.

October 22, 2008
Date

1302 Puyallup St.

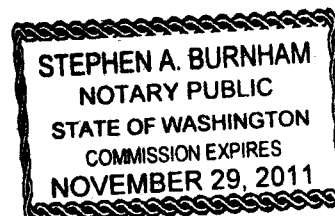
Sumner, WA 98390

Address

Subscribed and sworn to before me this 22nd day of October, 2008

Notary Public in and for the State of Washington,

Residing at Bonney Lake



LEGAL DESCRIPTION

A PARCEL OF LAND LYING WITHIN THE WEST HALF OF SECTION 5 TOWNSHIP 20 NORTH RANGE 5 EAST, OF THE WILLAMETTE MERIDIAN, CITY OF AUBURN, PIERCE COUNTY WASHINGTON AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF EVERGREEN 2, AS SHOWN ON THE PLAT THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 200010165001, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE NORTH 02°01'22" EAST ALONG THE EAST LINE THEREOF AND THE EAST LINE OF EVERGREEN AS SHOWN ON THE PLAT THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 9806225001, RECORDS OF PIERCE COUNTY, WASHINGTON, 673.81 FEET TO THE SOUTH LINE OF EASTPOINTE, AS SHOWN ON THE PLAT THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 9808055001, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE NORTH 89°32'04" EAST, ALONG SAID SOUTH LINE AND THE SOUTH LINE OF EASTPOINTE 2, AS SHOWN ON THE PLAT THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 200012155001, RECORDS OF PIERCE COUNTY, WASHINGTON, 1184.87 FEET; THENCE SOUTH 13°37'57" EAST 161.80 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, AND HAVING A RADIUS OF 75.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 60°54'08", A DISTANCE OF 79.72 FEET; THENCE SOUTH 74°32'05" EAST 94.37 FEET; THENCE SOUTH 31°25'19" EAST 72.00 FEET TO A POINT ON A NONTANGENT CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 216.00 FEET AND TO WHICH POINT A RADIAL BEARS SOUTH 31°25'19" EAST; THENCE NORTHEASTERLY AND COUNTER CLOCKWISE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°20'24", A DISTANCE OF 23.90 FEET; THENCE SOUTH 31°39'12" EAST 30.64 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 81°47'33", A DISTANCE OF 142.75 FEET TO A POINT ON A NONTANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL BEARS NORTH 84°52'59" WEST; THENCE SOUTHERLY AND CLOCKWISE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE 76°28'26", A DISTANCE 133.47 FEET TO A POINT ON A NONTANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS 100.00 FEET AND TO WHICH POINT A RADIAL BEARS, NORTH 67°42'46" WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE 43°40'15", A DISTANCE OF 76.22 FEET TO A POINT ON A NONTANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL BEARS, NORTH 48°24'21" WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 38°47'53", A DISTANCE OF 67.72 FEET; THENCE SOUTH 02°47'46" WEST 69.74 FEET; THENCE SOUTH 34°44'48" EAST 80.23 FEET TO A POINT ON THE NORTH MARGIN OF LAKE TAPPS PARKWAY EAST, SAID POINT ALSO BEGINNING A POINT ON A NONTANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 965.00 FEET TO WHICH POINT A RADIAL BEARS, NORTH 34°44'48" WEST; THENCE SOUTHWESTERLY AND COUNTER CLOCKWISE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°37'43", A DISTANCE OF 330.59 FEET; THENCE CONTINUING ALONG SAID MARGIN SOUTH 35°37'29" WEST 700.20 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 915.00 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°37'52", A DISTANCE 329.47 FEET; THENCE NORTH 33°44'39" WEST 7.00 FEET TO A POINT ON A NONTANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 908.00 FEET AND TO WHICH POINT A RADIAL BEARS, SOUTH 33°44'39" EAST; THENCE SOUTHERLY AND CLOCKWISE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°25'49" A DISTANCE OF 149.45 FEET; THENCE NORTH 69°23'07" WEST 35.33 FEET; THENCE NORTH 24°38'29" WEST 37.96 FEET; THENCE SOUTH 65°21'31" WEST 62.88 FEET; THENCE SOUTH 24°37'18" EAST 11.92 FEET; THENCE SOUTH 89°44'13" WEST 20.84 FEET TO THE EASTERLY LINE OF PINNACLE ESTATES PHASE 1, AS SHOWN ON THE PLAT THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 200509205004, RECORDS OF PIERCE COUNTY WASHINGTON; THENCE NORTH 17°20'27" WEST 1183.62 FEET TO THE SOUTH LINE OF THE AFOREMENTIONED EVERGREEN 2 EXTENDED EASTERLY; THENCE SOUTH 89°09'03" WEST 186.23 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH NEW PARCEL B PER RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT RECORDED UNDER A.F.N. _____, RECORDS OF PIERCE COUNTY AUDITOR SITUATED IN THE CITY OF AUBURN, PIERCE COUNTY, WASHINGTON.

RESOLUTION NO. 4026

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, APPROVING A PRELIMINARY PLAT APPLICATION TO SUBDIVIDE 62.06 ACRES INTO 143 LOTS AND VARIOUS TRACTS FOR FUTURE RESIDENTIAL DEVELOPMENT WITH THREE PLAT MODIFICATIONS, WITHIN THE CITY OF AUBURN, WASHINGTON

WHEREAS, Application No. PLT05-0006, dated December 22, 2005, has been submitted to the City of Auburn, Washington, by Apex Engineering on behalf of Lakeland East LLC, requesting approval of a preliminary plat application to subdivide 62.06 acres into 143 lots for future residential development with three plat modifications, and street and utility tracts within the City of Auburn, Washington; and

WHEREAS, said request above was referred to the Hearing Examiner for study and public hearing thereon; and

WHEREAS, following staff review, the Hearing Examiner conducted a public hearing to consider said petition in the Council Chambers of the Auburn City Hall on April 18, 2006, of which the Hearing Examiner recommended approval of the preliminary plat subject to conditions on May 3, 2006; and

WHEREAS, the City Council, at its meeting of May 11, 2006, considered and affirmed the Hearing Examiner's recommendation for preliminary plat based upon the Findings of Fact, Conclusions and Recommendation which is attached hereto as Exhibit "A".

Section 1. The Hearing Examiner's Findings, Conclusions and Recommendation attached hereto as Exhibit "A" are herewith approved and incorporated in this Resolution.

Section 2. The request for preliminary plat approval to subdivide 62.06 acres into 143 lots for future residential development, and street and utility tracts within the City of Auburn, legally described in Exhibit "B" attached hereto and incorporated herein by this reference, is hereby approved subject to the following conditions:

1. In accordance with the conditions outlined in the Minor Adjustment to the Lakeland Hills South PUD, dated January 26, 2006, the Fourth Amendment to the Lakeland Hills South Agreement shall included the "Walker Parcel" (Pierce County Tax Parcel 0520056015) and be recorded prior to the final plat approval.
2. Prior to commencement of any grading activities, the Applicant/Developer shall staked, flagged, fence, and sign the buffers for Wetland B, Wetland BB, Wetland C, and Wetland F. Wetland signage content and location shall be subject to approval by the City of Auburn Director of Planning, Building, and Community Development.
3. The plat shall meet all conditions of the Lakeland Hills South Development Agreement, as amended.
4. As part of the engineering/construction drawings submitted for construction of the plat, the Applicant/Developer shall also submit engineering/construction drawings for the construction of all park improvements. The park improvements shall be subject to approval by the City of Auburn Parks Director. Approval must be received prior to approval of the construction drawings for the public infrastructure of the plat. The materials supplied and installed must meet current City Parks, Arts, and Recreation Department standards and by approved by the Parks Director prior to installation and final plat approval.
5. Prior to final plat approval, the Applicant/Developer shall coordinate and complete the abandonment of the existing public sewer pump station located upon the subject property. This abandonment shall include the salvaging of all electrical and mechanical equipment for delivery to the City of Auburn's Sanitary Sewer Utility.

6. The Applicant/Developer shall construct on-site gravity sanitary sewer lines and off-site gravity sanitary sewer lines. These new sewer lines shall connect to a new public pump station located per an approved basin study with the City of Auburn. All sewer lines shall be designed to Auburn Design Standards.
7. The Applicant/Developer shall construct the off-site sewer pump station or, in the alternative, wait until the pump station is completed by another developer. If the pump station is completed by another developer, the Applicant shall pay a payback fee for their pro rate share of the costs associated with the construction of the pump station.
8. All sanitary sewer lines located outside of the public right-of-way shall be placed within tracts. Tracts shall be a minimum width of 15 feet, centered over the sewer line. These tracts shall be deeded over to the City's Sanitary Sewer Utility.
9. Prior to final plat approval, all existing septic tanks shall be abandoned pursuant to Tacoma-Pierce County Health Department regulations. Copies of the approved abandonment documents from Tacoma-Pierce County Health Department shall be provided to the City prior to the commencement of any site grading.
10. Prior to review of civil plans, and as part of the final application submittal, the Applicant shall provide a current Certificate of Water Availability from the City of Bonney Lake.
11. Prior to final plat approval, the Applicant/Developer shall abandon all existing water wells pursuant to Washington State and Tacoma-Pierce County Health Department regulations. The Applicant shall deed/transfer the water rights for said wells to the City of Auburn.
12. Prior to final plat approval, the Applicant/Developer shall construct a center landscaped median on Thomas Avenue SE. The median shall extend the full length of Thomas Avenue SE from Lake Tapps Parkway SE to the northern border of the plat. The median shall be construction to the satisfaction of the City Engineer.
13. Prior to final plat approval, the Applicant/Developer shall create a combined 30-foot wide utility and pedestrian access easement adjacent to Lot 141. The easement shall extend between the Plat and Lake Tapps Parkway SE.
14. Prior to final plat approval, the Applicant/Developer shall dedicate right-of-way and construct all roads within the plat, with the exception of

Thomas Avenue SE, as local residential roads to City of Auburn Standards except where plat modifications (deviation requests) are granted by the City Council.

15. Prior to final plat approval, the Applicant/Developer shall dedicate right-of-way and construct Thomas Avenue SE as a residential collector.
16. Prior to final plat approval, the Applicant/Developer shall construct the fourth leg of the signalized intersection of Thomas Avenue SE and Lake Tapps Parkway SE.
17. The final plat shall include a note that states: No direct residential access to Thomas Avenue SE is permitted.
18. Sight distance triangles shall be dedicated as public right-of-way within the plat or as an easement outside of the plat.
19. Street trees shall be subject to approval by the City Engineer. A separate approval block shall be shown on the landscape plans for that purpose.
20. The final plat drawing shall include addresses for each lot as assigned by the City.
21. Asbestos containing materials shall be removed prior to demolition of all on-site structures. Disposal of the materials shall be done in accordance with the requirements of the Puget Sound Clean Air Agency, Washington State Department of Labor and Industries, and the Tacoma-Pierce County Health Department.
22. Any required Washington State Forest Practices approval shall be obtained prior to site clearing, grading, or logging. Verification of meeting Washington State Department of Natural Resources Forest Practices requirements shall be provided to the City prior to the issuance of any grading permits.
23. A Washington State Department of Ecology Construction Stormwater General Permit shall be required prior to the issuance of any grading permits.
24. As provided in ACC 19.02, the Applicant/Developer shall pay school impact mitigation fees to the Auburn School District. Payment of mitigation fees is required at the time of building permit issuance.

25. A traffic impact fee equivalent to the fee being collected for the Lakeland Hills South PUD shall be paid at the time of building permits for individual homes.

26. A fire impact fee equivalent to the fee being collected for the Lakeland Hills South PUD shall be paid at the time of building permits for individual homes.

27. The Applicant/Developer shall comply with all mitigation measures as provided in the Final EIS issued for Lakeland Hills, July 1992.

Section 3. The Mayor is authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.


Section 4. This Resolution shall take effect and be in full force upon passage and signatures hereon.

Dated and Signed this 11th day of May, 2006.

CITY OF AUBURN


PETER B. LEWIS,
MAYOR

ATTEST:


Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:


Daniel B. Heid,
City Attorney

**BEFORE THE HEARINGS EXAMINER
FOR THE CITY OF AUBURN**

In the Matter of the Application of)	NO. PLT05-0006
)	
LAKELAND EAST LLC,)	
By Apex Engineering)	FINDINGS, CONCLUSIONS
)	AND RECOMMENDATION
)	
)	
<u>For a Preliminary Plat</u>)	

SUMMARY OF RECOMMENDATION

The Hearing Examiner for the City of Auburn recommends to the Auburn City Council that a request for a preliminary plat to subdivide approximately 62.06 acres into 141 single family residential lots, two multi-family residential lots, and six tracts to provide stormwater facilities, utility easements, pedestrian access, open space, parkland, wetland protection, and shared access, be **APPROVED**, subject to conditions. In addition to this request, the Hearing Examiner recommends that the three waiver requests made by the Applicant in regards to City road standards be **APPROVED**.

SUMMARY OF RECORD

Request:

Lakeland East LLC, through its agent Apex Engineering, requests approval of a preliminary plat for the subdivision of approximately 62.06 acres into 141 single family residential lots, two multi-family residential lots, and six tracts to provide stormwater facilities, utility easements, pedestrian access, open space, parkland, wetland protection, and shared access. The subject property is located generally east of Old Man Thomas Road, south of 62nd Street SE, and north of Lake Tapps Parkway, adjacent to the area known as the "Lakeland Hills Planned Unit Development" in the City of Auburn, Pierce County, Washington. The Lakeland Hills neighborhood, has been under construction by the same developer since the early 1990s.

Lakeland East LLC also made three deviation requests. The Applicant is requesting deviation from certain road standards to promote vehicular and pedestrian safety, aesthetics, and reasonable use of the site.

Hearing Date:

An open record hearing on the request was held before the Hearings Examiner for the City of Auburn on April 18, 2006.

*Findings, Conclusions & Decision
Hearings Examiner for the City of Auburn
Lakeland East LLC Rezone/PUD Amendment*

Testimony:

At the open record hearing the following individuals presented testimony under oath

1. Steve Pilcher, Planner, City of Auburn
2. Stacey Borland, Planner, City of Auburn
3. Jeffrey Mann, Project Manager, Apex Engineering, Applicant's Representative
4. Sean Martin, Investco Financial Services – Managing Partner of Lakeland Hills LLC

Exhibits:

At the open record hearing the following exhibits were admitted as part of the official record:

1. Staff Report, dated April 12, 2006
2. Site Map
3. Notice of Application, dated March 17, 2006
4. Notice of Public Hearing
5. Confirmation of Publication of Notice of Public Hearing
6. Addendum to Final Environmental Impact Statement of Lakeland Hills, issued March 31, 2006
7. Preliminary Plat Application, received December 22, 2006
8. Preliminary Plat Map – Lakeland East (2 sheets)
9. Conceptual Grading Plan – Lakeland East (1 sheet)
10. Conceptual Utility Plan – Lakeland East (1 sheet)
11. Sight Distance Triangle Exhibit – Lakeland East (4 sheets)
12. Preliminary Landscape Plan – Lakeland East (7 sheets)
13. Conceptual Grading Plan – Lakeland East (1 sheet)
14. Lakeland East Wetland and Stream Analysis Report, prepared By B-12 Wetland Consulting, dated March 17, 2006
15. Preliminary Storm Drainage Report, prepared by Apex Engineering, dated February 13, 2006
16. Correspondence from City of Auburn to Applicant, dated January 26, 2006 RE: Zoning Code Interpretation – Minor Adjustment to PUD
17. Correspondence from Investco Financial to City of Auburn, dated December 21, 2005 RE: Master Landscaping Plan
18. Correspondence from Investco Financial to City of Auburn, dated December 21, 2006 RE: Master Signage Plan
19. Correspondence from Apex Engineering to City of Auburn, dated April 7, 2006 RE: Road Deviation Request #1
20. Correspondence from Apex Engineering to City of Auburn, dated April 7, 2006 RE: Road Deviation Request #2
21. Correspondence from Apex Engineering to City of Auburn, dated April 7, 2006 RE: Road Deviation Request #3
22. City of Auburn Ordinance 5891, adopted December 20, 2004 RE: Adoption of Comprehensive Plan Map and Text Amendments
23. Affidavit of Posting of Legal Notice

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Hearings Examiner for the City of Auburn
Lakeland East LLC Plat – PLT05-0006*

24. Affidavit of Mailing of Legal Notice
25. Correspondence from Apex Engineering to City of Auburn, dated April 14, 2006 RE: Conditions of Approval

Upon consideration of the testimony and exhibits admitted at the open record hearing, the Hearing Examiner enters the following Findings and Conclusions:

FINDINGS

1. The Applicant, through its agent Apex Engineering, requests approval of a preliminary plat to subdivide approximately 62.06 acres into 141 single family residential lots, two multi-family residential lots, and six tracts to provide stormwater facilities, utility easements, pedestrian access, open space, parkland, wetland protection, and shared access. The property is generally located east of Old Man Thomas Road, south of 62ⁿ Street SE, and north of Lake Tapps Parkway SE. Lakeland East LLC is the same developer who has been constructing the Lakeland Hills PUD since the early 1990s. *Exhibit 1, Staff report, Pages 1 and 3; Testimony of Pilcher.*
2. Applicant's application includes 11 parcels that are the subject of the plat. All parcels are located within Pierce County and are referenced by Pierce County Tax Assessor's parcel numbers 0520052034, 0520052035, 0520052036, 0520052037, 0520053028, 0520053052, 0520053053, 0520056014, 0520056015, 0520056015, 0520056017, and 0520056022. *Exhibit 3, Notice of Application; Exhibit 8, Preliminary Plat Map.*
3. Notice of the public hearing was posted on the property on April 10, 2006. Notice of the public hearing was mailed to all property owners located within 300 feet of the affected site on April 10, 2006. Notice of the public hearing was published in the *King County Journal* on April 7, 2006. The notice provided in this matter erroneously stated that the property was "generally located between 52nd Street SE to the north ..." the property is located south of "62nd Street SE." *Exhibits 4, 5, 23, and 24.*
4. No public comment on the preliminary plat application was received in advance of the hearing nor was public testimony presented at the hearing.
5. The preliminary plat and a major amendment to the Lakeland Hills PUD were consolidated into one proceeding at the public hearing.
6. City of Auburn Ordinance 5891 approved and enacted the Comprehensive Plan Amendments as set forth in its attached documents and maps identified as "Exhibit A". Exhibit A, entitled "CPM#1", included a Site Map with areas affected by the amendment shown by 'hatch markings.' The subject property is contained within Area 16. *Exhibit 2,*

Vicinity Map; Exhibit 22, Ordinance 5891 - CPM#1 Proposed Comprehensive Plan Map Amendment.

7. A portion of the plat would be developed on a 2.52 acre parcel of land labeled the "Walker Parcel" (Pierce County Tax Parcel 0520056015). This parcel was not included within the original Lakeland Hills PUD. Pursuant to ACC 18.76.170, the Planning Director has the authority to approve 'minor adjustments' to the Lakeland Hills South PUD. Adjustments are minor if they do not affect permitted densities, change the basic character or condition of the PUD, or increase/decrease the perimeter boundaries by more than ten percent. The Walker parcel accounts for less than ten percent of the overall proposed plat and development, at the proposed density, would not increase the permitted density. Based on these factors, on January 26, 2006, the Planning Director approved the minor adjustment, amending the Lakeland Hills South PUD Agreement to reflect the inclusion of the Walker Parcel. *Exhibit 1, Staff Report, Page 4; Exhibit 16, Director's Approval of Minor Adjustment; Testimony of Borland.*
8. Ordinance 5981, adopting the Comprehensive Plan Map and Text Amendments for the Lakeland Hills PUD included specific provisions for the northernmost 20 acres adjacent to and contiguous with the neighborhoods of Eastpointe and Evergreen. The provisions provide that no "for rent, semi-detached, or attached housing products" shall be developed in this area and that development "shall be restricted to utilizing the development standards no more intense than Single Family Detached (SFD) provisions of ACC Chapter 18.76." The Applicant proposed single-family detached residential lots within this area; multi-family would be located at the southern border. *Exhibit 1, Staff Report, Pages 5-6; Exhibit 22, Ordinance 5981 with Attachment; Testimony of Borland; Testimony of Pilcher; Testimony of Mann.*
9. Surrounding land uses consist of residential development and vacant lands. Residential development of low and moderate densities is located in the surrounding areas with existing higher density PUD development of Lakeland Hills to the north, east, and west. *Plat Exhibit 1, Staff Report, Page 2.*
10. The subject property is zoned Lakeland Hills South PUD and designated as Moderate Density Residential under the City's Comprehensive Plan. Lakeland Hills South is a Planned Unit Development District (PUD) that was established by Pierce County's approval of the Lakeland Hills South Planned Development District. The PUD was accepted by the City as an approved PUD in 1998. The purpose of a PUD district is to offer enhanced flexibility in developing a site through the use of innovative and alternative development standards. A PUD district allows a greater range of residential development scenarios, provides for internal transfers of density, and may result in more dwelling units. In exchange for this enhanced flexibility, the PUD must provide a significantly higher quality of development, generate more public benefit, and be a more sensitive proposal. *ACC 18.76.010; Ordinance 5092 (May 4, 1998; Plat Exhibit 1, Staff Report, Pages 1-2*

11. Lot numbers 1 to 141 are proposed for single family development. The Applicant proposed a minimum lot area of 4,050 square feet, with an average lot area of 5,381 square feet. Single family density would be 3.56 dwelling units per acre (du/acre). This density is consistent with the zoning code and the Moderate Density Residential Comprehensive Plan density of two to 14 du/acre. *Plat Exhibit 1, Staff Report, Page 3; Plat Exhibit 8, Preliminary Plat Map; Testimony of Borland.*
12. Lot numbers 142 and 143 are proposed for multi-family development. Lot 142 is approximately 11.02 acres. Lot 143 is approximately 11.44 acres. *Plat Exhibit 1, Staff Report, Page 3; Plat Exhibit 8, Preliminary Plat Map; Testimony of Borland.*
13. Development standards for the Lakeland Hills PUD are contained within ACC 18.76.060. The Applicant proposed to develop the 141 single family residential lots to SFD-5 standards (ACC 18.76.060(B)(2)). The Applicant proposed to develop the two multi-family residential lots to MFA-1 standards (ACC 18.76.060(B)(3)). The Applicant would like to retain the option of developing the two multi-family lots to SFD-5 standards. *ACC 18.76.060; Plat Exhibit 1, Staff Report, Pages 3 and 6.*
14. A Final Environmental Impact Statement (EIS) was issued for the Lakeland Hills South PUD in 1992. On March 31, 2006, after review of the requested preliminary plat, the City issued an Addendum to the Final EIS for the Lakeland Hills South PUD with no modifications to the Final EIS mitigation measures. *Plat Exhibit 1, Staff Report, Page 6; Plat Exhibit 6, Addendum to Final EIS; Plat Exhibit 14, Lakeland East Wetland and Stream Analysis Report; Testimony of Borland; Testimony of Pilcher.*
15. The Applicant retained B-12 Wetland Consulting to prepare an updated wetland and stream report for the subject property. The report notes that three wetlands exist on the site. Wetland B (65,315 square feet) and Wetland C (6,472 square feet) are both category II wetlands that are located in the eastern portion of the site. Pursuant to ACC 16.10.090(E), a category II wetland requires a minimum 50 foot buffer. The consultants recommended a 75 foot buffer for both Wetland B and Wetland C, stating that the increased would be needed to adequate protect the wetlands' functions and values. Wetland F (440 square feet) is a category III wetland located in the north/northeastern portion of the site. Pursuant to ACC 16.10.090(E), a category III wetland requires a minimum 25 foot buffer. The consultants concluded that a 25 foot buffer was adequate for Wetland F since the wetland provided minimal water quality and hydrological functions and very little habitat value. In addition to the delineated wetlands, an area located just south of Wetland C which had previously been listed as a wetland (Wetland S) was determined to not be a wetland but a non-wetland depression area. *ACC 16.10.090; Plat Exhibit 1, Staff Report, Page 6; Plat Exhibit 14, Wetland and Stream Analysis Report; Testimony of Borland.*

16. The proposal is within the Auburn School District. In Washington State, ample provision for the education of children is a paramount duty of the state.¹ This requirement is further stated in the laws of the State and the City of Auburn. RCW 58.17.110 requires that subdivisions make appropriate provisions for the general welfare of the community, including provisions for schools and for safe walking conditions for students. RCW 36.70A.020(12) states that when a City is plans for growth, it is to ensure that public services, such as schools, that are necessary to support development are adequate to serve the development. ACC 17.060.070(A) states that a subdivision must make adequate provisions for the general welfare of the community, including schools. The Applicant stated that they have met with the Auburn School District. According to the Applicant, the School District anticipates that students would walk to Thomas Avenue SE, a residential arterial with a landscaped median strip, to access bus transportation. Recommended conditions of approval would include the payment of school impact fees, as provided by ACC 19.02. *Plat Exhibit 1, Staff Report, Page 5; Testimony of Mann.*
17. As part of the original Lakeland Hills PUD, a Master Landscaping Plan was prepared by Apex Engineering in July 2001. The Plan applies to all areas within the boundary of the PUD. Landscaping includes planting strips with street trees and median plantings. The stormwater drainage facility would be aesthetically landscaped to City standards. Park land and open space would be landscaped, with retention of native woodland-transitions areas. City Staff determined that the proposed landscaping is consistent with the July 2001 Master Landscaping Plan. *Plat Exhibit 1, Staff Report, page 4; Plat Exhibit 12, Preliminary Landscape Plan; Exhibit 17, Correspondence – RE: Master Landscaping Plan.*
18. As part of the original Lakeland Hills PUD, a Master Signage Plan was prepared by Apex Engineering in August 2002. The Plan outlines a comprehensive signage and monument program to ensure consistency of such features throughout the Lakeland Hills PUD. The Applicant proposed to install entry monuments at the northwest corner of the site, on either side of 62nd Street SE and at the southern border of the site, adjacent to Lake Tapps Parkway SE. City Staff determined that the proposed signage is consistent with the August 2002 Master Signage Plan. *Plat Exhibit 1, Staff Report, Page 4; Plat Exhibit 8, Preliminary Plat Map; Plat Exhibit 18, Correspondence – RE: Master Signage Plan.*
19. The Applicant requests three deviations or waivers from road design standards of the City of Auburn. Road Deviation No. 1 seeks to deviate from the standard road grade of six percent for short segments of 63rd Street SE and 65th Street SE. The Applicant stated that the justification for the deviation was the existing topography of the site and the grading required accommodating the proposed street system and lots while minimizing impacts to offsite areas and wetlands. Road Deviation No. 2 seeks to deviate from the required 375-foot centerline curve radius for some of the proposed roadway curves. The Applicant stated that compliance with this standard would encourage higher vehicle speeds

¹ Washington State Constitution, Art. 9, §1

throughout the plat and affect their ability to provide the required 90 degree intersection angles. This deviation would apply to two centerline radius curves for Stuart Avenue SE and 63rd Street SE, two centerline radius curves for Thomas Place SE, one centerline radial curve for 66th Street SE, and a centerline radial curve for Udall Avenue SE. Road Deviation No. 3 seeks a deviation to allow the placement of a landscape strip directly behind the curb on both sides of the street. Current City Public Works standards require the landscape strip to be located between the sidewalk and the curb on one side of the road while on the opposite side the sidewalk is adjacent to the curb. The deviation would allow for uniformity on both sides of the road. City Staff concurs with the Applicant's analysis of the deviation requests. As provided in ACC 17.18.010(A), the Hearing Examiner may recommend, and the City Council may approve, a modification to any standard or specification required by ACC Chapter 17.12 – Subdivision Improvements. *Exhibit 1, Staff Report, Page 5; Exhibit 19, 20, and 21 Deviation Requests.*

20. All proposed roadways within the Plat would be developed to City of Auburn standards and dedicated as public streets. Internal plat roads, except for Thomas Avenue SE, would be designed to "Local Residential" standards which include two – 14 foot wide drive lanes, curbs and gutters, a landscaping strip on one side of the roadway, sidewalks of both sides of the roadway, and illumination. *Exhibit 1, Staff Report, Page 4; Exhibit 8, Preliminary Plat Map.*
21. The original design of Thomas Avenue SE was to be to "Residential Collector Arterial" standards which include two – 18 foot drive lanes, curbs and gutters, landscaping strips and sidewalks on both sides of the roadway, and illumination. However, the City Engineer determined that to mitigate for increased traffic (volume and speed), ensure safe pedestrian crossings, and protect turning movements that Thomas Avenue SE should be designed with a center landscaped median from Lake Tapps Parkway SE to the Plat's northern border. *Exhibit 1, Staff Report, Page 4; Exhibit 8, Preliminary Plat Map; Comprehensive Transportation Plan Policy TR-77; Testimony of Pilcher.*
22. There are several existing single-family residence and associated outbuildings located on the subject property. All existing structures would be removed to accommodate the new development. Existing on-site septic systems and wells must be abandoned. Septic systems must be abandoned pursuant to Tacoma-Pierce County Health Department requirements. Wells must be abandoned pursuant to Washington State Department of Ecology and Tacoma-Pierce County Health Department requirements. Water rights for all abandoned wells are to be deeded/transferred to the City as required by ACC 13.06.150(C).² *Plat Exhibit 1, Staff Report, Page 4; Plat Exhibit 8, Preliminary Plat Map.*

² City Staff stated that ACC 13.06.150(C) was passed by the Auburn City Council, Ordinance 5974, January 19, 2006. The Hearing Examiner was not able to verify this statement. Although City Council minutes from January and February refer to Ordinance 5974, there is no record of this ordinance being passed by the Council. As such,

23. The proposed plat would connect to City of Bonney Lake water. A Certificate of Water Availability was not submitted into the record. The Applicant testified that they are in the process of reaching agreement with the City of Bonney Lake and that preliminary analysis demonstrates capacity. *Plat Exhibit 1, Staff Report, Page 4; Plat Exhibit 7, Preliminary Plat Application; Plat Exhibit 8, Preliminary Plat Map; Testimony of Mann.*
24. The proposed plat would connect to City of Auburn sanitary sewer. The Applicant must abandon an on-site public sanitary sewer pump and construct an off-site pump station. In the alternative, the Applicant may wait until another developer constructs the pump station and then contribute a proportional payback fee. The Applicant would construct gravity sanitary sewer lines to City of Auburn standards. All sewer lines located outside of the public right-of-way are to be contained within 15 foot wide tracts. All tracts would be deeded to the City's sanitary sewer utility. *Exhibit 1, Staff Report, Page 7; Exhibit 10, Conceptual Utility Plan.*
25. The Applicant retained Apex Engineering to prepare a Preliminary Storm Drainage Report (Exhibit 15). The purpose of the report was to determine detention/water quality pond size to address stormwater control of the site. The Applicant proposed a single storm drainage facility, located in Tract A on the eastern portion of the site. The pond would outlet to the wetland/closed depression which bounds Tract A to the east. The pond would release at a rate equivalent to the 2-Year Storm, 10-25-100 year existing flow rate. It was determined that increased run-off volume generated by the proposed plat would have a negligible impact on the adjacent wetland. *Exhibit 15, Preliminary Storm Drainage Report.*
26. ACC 17.12.260 generally requires a subdivision capable of supporting 50 more residential dwelling units to provide park land. The dedication of park land was addressed in the PUD agreement and has been satisfied within the PUD as a whole. No additional park land dedication is required. *ACC 17.12.260; Testimony of Pilcher; Testimony of Borland.*
27. Although not required, the Applicant proposed Tract E, a 3,255 square foot area located at the northeastern edge of the site, as a neighborhood park to be dedicated to the City. A play structure and picnic table would be provided. The tract would be aesthetically landscaped. In between Lot 141 (single family) and Lot 142 (multi-family) is a 30 foot wide pedestrian pathway easement. The pathway, which would be designed to City standards, would provide access to Lake Tapps Parkway SE. *Exhibit 1, Staff Report, Page 4; Exhibit 8, Preliminary Plat Map; Exhibit 8 – Landscape Plan, Sheet L-5; Comprehensive Transportation Plan Policy TR-4.*

any condition of approval that seeks to utilize this provision would not be authorized until such time as the City passes this Ordinance.

*Findings, Conclusions & Recommendation
Hearings Examiner for the City of Auburn
Lakeland East LLC Plat – PLT05-0006*

28. The plat would be a subordinate community within the Lakeland Hills PUD and under the Conditions, Covenants, and Restrictions (CC&Rs) administered by the Master Lakeland Homeowners Association. *Exhibit 25.*
29. The developers of Lakeland Hills PUD and the Auburn City Council have entered into an agreement to address traffic and fire impacts fees unique to Lakeland Hills. The fire impacts fees were assessed to address fire department service in the remote location of the PUD and the lack of a fire station within close proximity to the PUD. Conditions of approval would require the Applicant to pay these specific impact fees. *Exhibit 1, Staff Report, Page 5; Testimony of Pilcher.*

CONCLUSIONS

Jurisdiction

Pursuant to Auburn City Code 18.66, the Hearings Examiner is granted jurisdiction to hear and make recommendations to the City Council. Jurisdiction for the Hearings Examiner to make recommendations for an application for a preliminary plat is pursuant to ACC 14.03.040(A) and 17.06.050. As provided in ACC 17.18.010(A), the Hearing Examiner may make recommendations for a modification to any standard or specification required by ACC Chapter 17.12 – Subdivision Improvements.

Criteria for Review

In order to approve a preliminary plat, pursuant to ACC 17.06.070, the Applicant must have provided support for the following:

- a. Adequate provisions are made for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, l, and sites for schools and school grounds.
- b. Conformance to the general purposes of the City of Auburn's Comprehensive Plan, to the general purpose of Title 17.02, and to the general purposes of any other applicable policies or plan which have been adopted by the City Council.
- c. Conformance to the City of Auburn's zoning ordinance and any other applicable planning or engineering standard and specifications.
- d. Potential environmental impacts of the proposal have been mitigated such that the proposal will not have an unacceptable adverse effect upon the quality of the environment.
- e. Adequate provisions have been made so that the preliminary plat will prevent or abate public nuisances.

In order to approve a modification to a subdivision improvement standard or specification, pursuant to ACC 17.18.030, the Applicant must have provided support for the following:

1. The modification is necessary because of special circumstances related to the size, shape, topography, location, or surroundings of the subject property; to provide the owner with development rights and privileges permitted to other properties in the vicinity and zoning district in which the subject property is located.
2. Because of such special circumstances, the development of the property in strict conformity with the provisions of ACC Title 17 would not allow a reasonable and harmonious use of the property.
3. The modification, if granted, would not alter the character of the neighborhood, or be detrimental to surrounding properties in which the property is located.
4. The modification would not be materially detrimental to the implementation of the policies and objectives of the comprehensive land use, circulation, and utility plans of the City.
5. Literal interpretation of the provisions of ACC Title 17 would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district.
6. Approval of the modification would be consistent with the purpose of ACC Title 17.
7. The modification does not lessen the requirements of the zoning ordinance.

Conclusions Based on Findings

1. **Adequate provisions have been made for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, and sites for schools and school grounds.** The Applicant has made provisions for streets with sidewalks for pedestrian safety, including safe walking for school children. Recommended conditions of approval will provide for payments of school, traffic, and fire impact fees. The development will be served by City of Bonney Lake water and City of Auburn sanitary sewer. Existing on-site water and septic systems will be abandoned according to local and state law. Storm water facilities for the collection and retention of stormwater will be designed to City standards. Although park facilities have been provided throughout the PUD and are not required for this plat, the Applicant is providing park land, equipped with a play structure, and open space. A pedestrian walkway will provide access from the plat to Lake Tapps Parkway SE. On-site wetlands will be adequately buffered. The center median design of Thomas Avenue SE will provide mitigation for increased traffic (volume and speed) and safety for pedestrians. *Findings of Fact Nos. 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29.*
2. **The plat conforms to the general purposes of the City of Auburn's Comprehensive Plan, Title 17.02 (Subdivisions), and to the general purposes of any other applicable policies or plan which have been adopted by the City Council.** As conditioned, the plat would be consistent with the purposes and regulations of the subdivision title, with the City's design and construction standards, and would be consistent with the goals, objectives, and policies of the City's Comprehensive Plan and the Lakeland Hills South PUD. *Findings of Fact Nos. 1, 3, 5, 6, 7, 8, 9, 10, 13, 17, 18, and 19.*

3. **The plat conforms to the City of Auburn's zoning ordinance, Title 18, and any other applicable planning or engineering standard and specifications.** With conditions, the Applicant's proposal complies with all related City codes and standards including development standards for the Lakeland Hills South PUD zoning district. *Findings of Fact Nos. 1, 3, 5, 10, 11, 12, 13, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29..*
4. **Potential environmental impacts of the proposal have been mitigated such that the proposal will not have an unacceptable adverse effect upon the quality of the environment.** The City, acting as lead agency, has determined that, as proposed, the plat's impacts on the environment were adequately mitigated through the Final EIS issued in 1992. Supplemental environmental review was conducted, with no modifications to the mitigating measures. *Findings of Fact No. 14 and 15.*
5. **Adequate provisions have been made so that the preliminary plat will prevent or abate public nuisances.** Public nuisances are addressed generally throughout the ACC and are addressed directly in ACC 8.12. A public nuisance affects public health and property values by creating visual blight, harboring rodents and/or pests, or creating unsafe pedestrian and traffic situations. Compliance with City design standards for road safety (width, sidewalks, traffic calming, and visibility) will ensure safe pedestrian and traffic access within the development. Connection to City sewer and water will limit impacts on public health. A Homeowners' Association and the associated Covenants, Conditions, and Restrictions will ensure that visual blights and dangers to public health are reduced/eliminated, thereby promoting both general public welfare and property values. *Findings of Fact Nos. 19, 20, 21, 22, and 28.*
6. **The Applicant has provided support for the three deviation requests.** The deviation requests are based on the site's topography and the location of critical areas (wetlands), the need to provide safe driving conditions, and a uniform aesthetic. All proposed deviation requests would provide reasonable and harmonious use of the property and would enhance the neighborhood, providing a safer, more aesthetically pleasing roadway. The deviations are consistent with the City's comprehensive plans and with the provisions of ACC Title 17. Literal interpretation of the provisions of ACC Title 17 would deprive the Applicant of rights commonly enjoyed by other properties in the area as the City has granted similar modifications within the Lakeland Hills South PUD. *Findings of Facts No. 19.*

RECOMMENDATION

Based upon the preceding Findings of Fact and Conclusions, the Hearing Examiner recommends to the Auburn City Council that:

- A. The three requests for deviation from City of Auburn design standards be **APPROVED**.
- B. The request for approval of preliminary plat for the subdivision of approximately 62.06 acres into 141 single family residential lots, two multi-family lots, and six tracts to provide stormwater facilities, utility easements, pedestrian access, open space, parkland, wetland protection, and shared access be **APPROVED**, subject to the following conditions:
1. In accordance with the conditions outlined in the Minor Adjustment to the Lakeland Hills South PUD, dated January 26, 2006, the Fourth Amendment to the Lakeland Hills South Agreement shall included the "Walker Parcel" (Pierce County Tax Parcel 0520056015) and be recorded prior to the final plat approval.
 2. Prior to commencement of any grading activities, the Applicant/Developer shall staked, flagged, fence, and sign the buffers for Wetland B, Wetland BB, Wetland C, and Wetland F. Wetland signage content and location shall be subject to approval by the City of Auburn Director of Planning, Building, and Community Development.
 3. The plat shall meet all conditions of the Lakeland Hills South Development Agreement, as amended.
 4. As part of the engineering/construction drawings submitted for construction of the plat, the Applicant/Developer shall also submit engineering/construction drawings for the construction of all park improvements. The park improvements shall be subject to approval by the City of Auburn Parks Director. Approval must be received prior to approval of the construction drawings for the public infrastructure of the plat. The materials supplied and installed must meet current City Parks, Arts, and Recreation Department standards and by approved by the Parks Director prior to installation and final plat approval.
 5. Prior to final plat approval, the Applicant/Developer shall coordinate and complete the abandonment of the existing public sewer pump station located upon the subject property. This abandonment shall include the salvaging of all electrical and mechanical equipment for delivery to the City of Auburn's Sanitary Sewer Utility.
 6. The Applicant/Developer shall construct on-site gravity sanitary sewer lines and off-site gravity sanitary sewer lines. These new sewer lines shall connect to a new public pump station located per an approved basin study with the

City of Auburn. All sewer lines shall be designed to Auburn Design Standards.

7. The Applicant/Developer shall construct the off-site sewer pump station or, in the alternative, wait until the pump station is completed by another developer. If the pump station is completed by another developer, the Applicant shall pay a payback fee for their pro rate share of the costs associated with the construction of the pump station.
8. All sanitary sewer lines located outside of the public right-of-way shall be placed within tracts. Tracts shall be a minimum width of 15 feet, centered over the sewer line. These tracts shall be deeded over to the City's Sanitary Sewer Utility.
9. Prior to final plat approval, all existing septic tanks shall be abandoned pursuant to Tacoma-Pierce County Health Department regulations. Copies of the approved abandonment documents from Tacoma-Pierce County Health Department shall be provided to the City prior to the commencement of any site grading.
10. Prior to review of civil plans, and as part of the final application submittal, the Applicant shall provide a current Certificate of Water Availability from the City of Bonney Lake.
11. Prior to final plat approval, the Applicant/Developer shall abandon all existing water wells pursuant to Washington State and Tacoma-Pierce County Health Department regulations. The Applicant shall deed/transfer the water rights for said wells to the City of Auburn.
12. Prior to final plat approval, the Applicant/Developer shall construct a center landscaped median on Thomas Avenue SE. The median shall extend the full length of Thomas Avenue SE from Lake Tapps Parkway SE to the northern border of the plat. The median shall be construction to the satisfaction of the City Engineer.
13. Prior to final plat approval, the Applicant/Developer shall create a combined 30-foot wide utility and pedestrian access easement adjacent to Lot 141. The easement shall extend between the Plat and Lake Tapps Parkway SE.
14. Prior to final plat approval, the Applicant/Developer shall dedicate right-of-way and construct all roads within the plat, with the exception of Thomas Avenue SE, as local residential roads to City of Auburn Standards except where plat modifications (deviation requests) are granted by the City Council.

15. Prior to final plat approval, the Applicant/Developer shall dedicate right-of-way and construct Thomas Avenue SE as a residential collector.
16. Prior to final plat approval, the Applicant/Developer shall construct the fourth leg of the signalized intersection of Thomas Avenue SE and Lake Tapps Parkway SE.
17. The final plat shall include a note that states: No direct residential access to Thomas Avenue SE is permitted.
18. Sight distance triangles shall be dedicated as public right-of-way within the plat or as an easement outside of the plat.
19. Street trees shall be subject to approval by the City Engineer. A separate approval block shall be shown on the landscape plans for that purpose.
20. The final plat drawing shall include addresses for each lot as assigned by the City.
21. Asbestos containing materials shall be removed prior to demolition of all on-site structures. Disposal of the materials shall be done in accordance with the requirements of the Puget Sound Clean Air Agency, Washington State Department of Labor and Industries, and the Tacoma-Pierce County Health Department.
22. Any required Washington State Forest Practices approval shall be obtained prior to site clearing, grading, or logging. Verification of meeting Washington State Department of Natural Resources Forest Practices requirements shall be provided to the City prior to the issuance of any grading permits.
23. A Washington State Department of Ecology Construction Stormwater General Permit shall be required prior to the issuance of any grading permits.
24. As provided in ACC 19.02, the Applicant/Developer shall pay school impact mitigation fees to the Auburn School District. Payment of mitigation fees is required at the time of building permit issuance.
25. A traffic impact fee equivalent to the fee being collected for the Lakeland Hills South PUD shall be paid at the time of building permits for individual homes.
26. A fire impact fee equivalent to the fee being collected for the Lakeland Hills South PUD shall be paid at the time of building permits for individual homes.

27. The Applicant/Developer shall comply with all mitigation measures as provided in the Final EIS issued for Lakeland Hills, July 1992.

Decided this _____ day of May 2006

DRISCOLL & HUNTER
Hearing Examiners for the City of Auburn
By:

THEODORE PAUL HUNTER

EXHIBIT B

PARCEL A:

A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 20 NORTH, RANGE 5 EAST, OF THE WILLAMETTE MERIDIAN, IN PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER;
THENCE ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, NORTH 01°22'18" EAST,
A DISTANCE OF 335.70 FEET TO THE TRUE POINT OF BEGINNING;
THENCE SOUTH 88°23'37" WEST, A DISTANCE OF 118.27 FEET;
THENCE NORTH 17°37'29" WEST, A DISTANCE OF 120.00 FEET;
THENCE NORTH 01°22'18" EAST, A DISTANCE OF 220.88 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER;
THENCE NORTH 88°38'26" EAST ALONG SAID NORTH LINE, A DISTANCE OF 157.35 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER;
THENCE ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER SOUTH 01°22'18" WEST, A DISTANCE OF 335.69 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THE NORTH 208.71 FEET THEREOF.

PARCEL B:

THAT PORTION OF LOT 1, AS SHOWN ON PIERCE COUNTY SHORT PLAT NO. 8105130182, FILED WITH THE PIERCE COUNTY AUDITOR, AND THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 20 NORTH, RANGE 5 EAST, OF THE WILLAMETTE MERIDIAN, IN PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 5;
THENCE SOUTH 88°38'26" WEST 157.35 FEET;
THENCE SOUTH 01°22'18" WEST 208.71 FEET;
THENCE NORTH 88°38'26" EAST 208.71 FEET;
THENCE NORTH 01°22'18" EAST 208.71 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 5;
THENCE SOUTH 88°38'26" WEST 51.36 FEET TO THE POINT OF BEGINNING.

PARCEL C:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 20 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER;
THENCE ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER SOUTH 88°08'42" WEST, 4.58 FEET TO THE TRUE POINT OF BEGINNING;
THENCE NORTH 17°37'29" WEST, 174.40 FEET;
THENCE SOUTH 88°15'06" WEST, 595.55 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER;
THENCE SOUTH 01°03'40" WEST, ALONG SAID WEST LINE 169.16 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER;
THENCE NORTH 88°08'42" EAST ALONG THE SAID SOUTH LINE 656.13 FEET TO THE POINT OF BEGINNING, IN PIERCE COUNTY, WASHINGTON.
(BEING PARCEL B OF BOUNDARY LINE REVISION RECORDED UNDER RECORDING NUMBER 9003080209.)

TOGETHER WITH A 30.00 FOOT EASEMENT FOR INGRESS, EGRESS, AND UTILITIES ALL LYING WITHIN SECTIONS 5 & 8, TOWNSHIP 20 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, AS DISCLOSED BY AUDITOR'S NO. 8605230394, WHICH IS A RE-RECORD OF INSTRUMENT RECORDED UNDER AUDITOR'S NO. 8602260382, SAID EASEMENT BEING 15 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE EAST-WEST CENTERLINE OF SECTION 5 THAT IS NORTH 88°08'42" EAST 847.25 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 5;
THENCE SOUTH 08°37'38" EAST 4.00 FEET;
THENCE SOUTH 20°13'25" EAST 279.31 FEET;
THENCE SOUTH 18°03'25" EAST 290.44 FEET;
THENCE SOUTH 24°03'25" EAST 276.22 FEET;
THENCE SOUTH 20°53'50" EAST 632.30 FEET;
THENCE SOUTH 33°27'53" EAST 115.47 FEET;
THENCE SOUTH 06°43'03" EAST 149.89 FEET;
THENCE SOUTH 34°31'03" EAST 215.93 FEET;
THENCE SOUTH 21°04'23" EAST 135.93 FEET;
THENCE SOUTH 51°09'01" EAST 51.33 FEET;
THENCE SOUTH 89°30'01" EAST 110.58 FEET;
THENCE SOUTH 71°30'11" EAST 144.15 FEET;
THENCE SOUTH 56°36'51" EAST 61.43 FEET;
THENCE SOUTH 13°19'51" EAST 163.57 FEET;

THENCE SOUTH 24°27'41" EAST 405.12 FEET;
THENCE SOUTH 43°00'09" EAST 149.28 FEET;
THENCE SOUTH 34°40'42" EAST 176.56 FEET;
THENCE SOUTH 24°23'02" EAST 98.40 FEET;
THENCE SOUTH 40°26'55" EAST 166.75 FEET;
THENCE SOUTH 25°17'59" EAST 166.61 FEET TO A POINT THAT IS SOUTH 05°35'44"
EAST 620.46 FEET FROM THE QUARTER CORNER OF SAID SECTIONS 5 & 8;
THENCE SOUTH 46°06'59" EAST 45 FEET, MORE OR LESS, TO THE WESTERLY RIGHT
OF WAY OF NORTH TAPPS HIGHWAY AND THE TERMINUS OF THIS EASEMENT, IN
PIERCE COUNTY, WASHINGTON.

PARCEL D:

THAT PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION
5, TOWNSHIP 20 NORTH, RANGE 5 EAST OF W.M. IN PIERCE COUNTY,
WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT NORTHWEST CORNER OF SOUTH HALF OF NORTHWEST ALSO
KNOWN AS SOUTHWEST CORNER OF GOVERNMENT LOT 4 PER RECORD OF
SURVEY 8807280259;
THENCE NORTH 89°54'50" EAST 1638.38 FEET TO POINT OF BEGINNING;
THENCE SOUTH 03°26'36" WEST 48.22 FEET;
THENCE SOUTH 31°01'58" WEST 20.64 FEET;
THENCE SOUTH 24°16'49" EAST 21.34 FEET TO A POINT OF A NON-TANGENT,
100.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY AND TO WHICH POINT
A RADIAL BEARS NORTH 38°55'41" WEST;
THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL
ANGLE OF 127°34'07", A DISTANCE OF 222.65 FEET;
THENCE SOUTH 76°29'48" EAST 18.99 FEET TO A POINT ON A NON-TANGENT,
100.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY AND TO WHICH POINT
A RADIAL BEARS NORTH 74°00'49" WEST;
THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL
ANGLE OF 75°26'30" A DISTANCE OF 131.67 FEET;
THENCE SOUTH 13°49'52" EAST 39.60 FEET;
THENCE SOUTH 60°58'23" EAST 65.47 FEET;
THENCE SOUTH 24°20'35" EAST 20.88 FEET;
THENCE SOUTH 45°31'31" EAST 63.43 FEET;
THENCE SOUTH 63°47'35" WEST 44.14 FEET;
THENCE SOUTH 01°18'19" EAST 111.57 FEET;
THENCE SOUTH 29°17'48" EAST 5.34 FEET;
THENCE SOUTH 04°11'06" WEST 17.53 FEET TO THE SOUTH LINE OF THE NORTH
HALF OF THE SOUTH HALF OF SAID NORTHWEST QUARTER;
THENCE NORTH 89°32'03" EAST ALONG SAID SOUTH LINE 136.65 FEET TO WEST
LINE OF SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE
NORTHWEST QUARTER SECTION 5;
THENCE SOUTH 02°39'05" WEST 665.38 FEET;

THENCE NORTH 89°09'03" EAST 656.14 FEET TO SOUTHEAST CORNER OF THE
NORTHWEST QUARTER;
THENCE NORTH 02°58'21" EAST 1322.39 FEET TO SOUTH LINE OF GOVERNMENT
LOT 3;
THENCE SOUTH 89°54'50" WEST 1013.86 FEET TO POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION LYING EAST OF THE FOLLOWING
DESCRIBED LINE:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 58 OF EAST POINTE
DIVISION 2 AS SHOWN ON THE PLAT THEREOF, RECORDED UNDER AUDITORS
FILE NUMBER 200012155001, RECORDS OF PIERCE COUNTY, WASHINGTON;
THENCE NORTH 89°32'03" EAST, ALONG THE SOUTH LINE THEREOF, 63.26 FEET TO
THE SOUTHEAST CORNER OF SAID LOT 58; THENCE CONTINUE NORTH 89°32'03"
EAST 136.45 FEET; THENCE SOUTH 02°39'05" WEST 264.69 FEET TO THE POINT OF
BEGINNING; THENCE NORTH 51°45'51" EAST 30.22 FEET; THENCE NORTH 84°58'09"
EAST 58.80 FEET; THENCE SOUTH 38°44'04" EAST 169.28 FEET; THENCE NORTH
68°37'52" EAST 68.29 FEET; THENCE SOUTH 04°04'43" WEST 60.77 FEET; THENCE
SOUTH 58°57'55" EAST 81.04 FEET; THENCE SOUTH 03°22'20" WEST 94.81 FEET;
THENCE SOUTH 45°26'42" WEST 27.26 FEET; THENCE SOUTH 22°41'25" WEST
59.31 FEET, TO A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY,
HAVING A RADIUS OF 124.70 FEET, AND TO WHICH POINT A RADIAL BEARS
NORTH 51°33'12" WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE ALONG
THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21°59'26" A DISTANCE
OF 47.86 FEET TO THE SOUTH LINE OF THE AFOREDESCRIBED PARCEL D AND THE
TERMINUS OF THIS LINE DESCRIPTION.

EXCEPT THAT PORTION CONVEYED TO PIERCE COUNTY FOR ADDITIONAL RIGHT
OF WAY FOR LAKE TAPPS PARKWAY EAST AND THE "MINING ACCESS RAMP," BY
DEED RECORDED UNDER AUDITOR'S NO. 9703120171.

PARCEL E:

THAT PORTION OF THE NORTHWEST OF THE SOUTHWEST QUARTER OF SECTION
5, TOWNSHIP 20 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, IN
PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION; THENCE NORTH
ALONG THE EAST LINE THEREOF TO THE NORTHEAST CORNER OF SAID
SUBDIVISION; THENCE WEST ALONG THE NORTH LINE OF SAID SUBDIVISION,
470 FEET; THENCE SOUTHEASTERLY IN A STRAIGHT LINE TO THE POINT OF
BEGINNING.

EXCEPT THAT PORTION CONVEYED TO PIERCE COUNTY BY DEED RECORDED
UNDER RECORDING NO. 9907190049.

PARCEL F:

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5,
TOWNSHIP 20 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, IN
AUBURN, PIERCE COUNTY, WASHINGTON;

EXCEPT THE NORTH 30 FEET THEREOF FOR ROAD.

ALSO EXCEPT THAT PORTION CONVEYED TO PIERCE COUNTY BY DEED
RECORDED UNDER RECORDING NUMBER 9907090701.

ALSO EXCEPT THAT PORTION CONVEYED TO PIERCE COUNTY BY DEED
RECORDED UNDER RECORDING NUMBER 200407150689.

PARCEL G:

LOT 2, PIERCE COUNTY SHORT PLAT NO. 8105130182, ACCORDING TO MAP
RECORDED ON MAY 13, 1981, IN PIERCE COUNTY, WASHINGTON.

EXCEPTING THEREFROM THAT PORTION LYING EAST OF THE FOLLOWING
DESCRIBED LINE:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 58 OF EAST POINTE
DIVISION 2 AS SHOWN ON THE PLAT THEREOF, RECORDED UNDER AUDITORS
FILE NUMBER 200012155001, RECORDS OF PIERCE COUNTY, WASHINGTON;
THENCE NORTH 89°32'03" EAST, ALONG THE SOUTH LINE THEREOF, 63.26 FEET TO
THE SOUTHEAST CORNER OF SAID LOT 58 AND THE POINT OF BEGINNING;
THENCE SOUTH 04°12'40" WEST 135.24 FEET; THENCE NORTH 83°25'05" EAST 15.46
FEET; THENCE SOUTH 21°35'05" EAST 183.52 FEET; THENCE NORTH 51°45'51" EAST
65.32 FEET TO THE EAST LINE OF THE AFOREMENTIONED LOT 2 AND THE
TERMINUS OF THIS LINE DESCRIPTION.

TOGETHER WITH A 30 FOOT PRIVATE ROAD AND UTILITIES EASEMENT AS
DELINEATED ON SAID SHORT PLAT.

EXCEPT FROM SAID EASEMENT THAT PORTION LYING WITHIN SAID LOT 2.

ALSO TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS
AND UTILITIES INCLUDING ELECTRICITY, GAS, WATER AND TELEPHONE, OVER
AND ACROSS THE FOLLOWING DESCRIBED PROPERTY:

THE EAST 15 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER
OF THE NORTHWEST QUARTER OF SAID SECTION 5, TOWNSHIP 20 NORTH, RANGE
5 EAST OF THE WILLAMETTE MERIDIAN, AND THE SOUTH 30 FEET OF THE
SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST
QUARTER OF SAID SECTION 5, IN PIERCE COUNTY, WASHINGTON.

EXCEPT THE SOUTH 30 FEET THEREOF.

ALSO TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER, UNDER AND ACROSS A STRIP OF LAND 30 FEET IN WIDTH, THE WESTERLY LINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 20 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, IN PIERCE COUNTY, WASHINGTON;
THENCE SOUTH 88°08'42" WEST A DISTANCE OF 4.58 FEET TO THE TRUE POINT OF BEGINNING;
THENCE NORTH 17°37'29" WEST A DISTANCE OF 468.80 FEET TO A POINT BEING THE TERMINUS OF THIS WESTERLY EASEMENT LINE DESCRIPTION, IN PIERCE COUNTY, WASHINGTON.

ALSO TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER, UNDER AND ACROSS A STRIP OF LAND 30 FEET IN WIDTH BEING 15 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 20 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN;
THENCE SOUTH 88°08'42" WEST A DISTANCE OF 4.58 FEET;
THENCE NORTH 17°37'29" WEST A DISTANCE OF 348.80 FEET TO THE TRUE POINT OF BEGINNING;
THENCE NORTH 88°23'37" EAST A DISTANCE OF 450.87 FEET TO A POINT BEING THE TERMINUS OF THIS CENTERLINE EASEMENT DESCRIPTION, IN PIERCE COUNTY, WASHINGTON.

ALSO TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER, UNDER AND ACROSS THE SOUTH 50 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 20 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, IN PIERCE COUNTY, WASHINGTON.

PARCEL H:

LOT 1, PIERCE COUNTY SHORT PLAT NO. 8105130182, ACCORDING TO MAP RECORDED ON MAY 13, 1981, RECORDS OF PIERCE COUNTY AUDITOR.

EXCEPT THE WEST 51.36 FEET OF THE NORTH 208.71 FEET OF SAID LOT 1.

TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES AS DELINEATED ON SAID SHORT PLAT.

EXCEPT FROM SAID EASEMENT THAT PORTION LYING WITHIN SAID LOT 1.

PARCEL I:

LOT 4, PIERCE COUNTY SHORT PLAT NUMBER 8105130182, ACCORDING TO MAP RECORDED ON MAY 13, 1981, RECORDS OF PIERCE COUNTY AUDITOR.

TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES AS DELINEATED ON SAID SHORT PLAT.

EXCEPT FROM SAID EASEMENT THAT PORTION LYING WITHIN SAID LOT 4.

TOGETHER WITH THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 20 NORTH, RANGE 5 EAST, W.M., RECORDS OF PIERCE COUNTY AUDITOR, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER;
THENCE ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER SOUTH 88 DEGREES 08 MINUTES 42 SECONDS WEST, A DISTANCE OF 4.58 FEET;
THENCE NORTH 17 DEGREES 37 MINUTES 29 SECONDS WEST, A DISTANCE OF 348.80 FEET;
THENCE NORTH 88 DEGREES 23 MINUTES 37 SECONDS EAST, A DISTANCE OF 118.27 FEET TO THE EAST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER;
THENCE ALONG SAID EAST LINE SOUTH 01 DEGREES 22 MINUTES 28 SECONDS WEST, 335.70 FEET TO THE TRUE POINT OF BEGINNING.

SITUATE IN THE CITY OF AUBURN, COUNTY OF PIERCE, STATE OF WASHINGTON.

PARCEL J:

THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 20 NORTH, RANGE 5 EAST, W.M., RECORDS OF PIERCE COUNTY AUDITOR.

EXCEPT THE FOLLOWING DESCRIBED PORTION:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER;
THENCE ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER SOUTH 88°08'42" WEST, 660.71 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER;
THENCE NORTH 01°03'40" EAST ALONG SAID WEST LINE 169.16 FEET;
THENCE NORTH 88°15'06" EAST, 595.55 FEET;

THENCE NORTH 17°37'29" WEST, 294.40 FEET;
THENCE NORTH 01°22'18" EAST, 220.88 FEET TO THE NORTH LINE OF SAID
SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST
QUARTER;
THENCE NORTH 88°38'26" EAST, 157.35 FEET TO THE EAST LINE OF SAID
SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST
QUARTER;
THENCE SOUTH 01°22'18" WEST ALONG SAID EAST LINE, 671.39 FEET TO THE
POINT OF BEGINNING.

(BEING PARCEL A OF BOUNDARY LINE ADJUSTMENT RECORDED MARCH 8, 1990
UNDER RECORDING NUMBER 9003080209.)

SITUATE IN THE CITY OF AUBURN, COUNTY OF PIERCE, STATE OF WASHINGTON.

PARCEL K:

LOT 3, PIERCE COUNTY SHORT PLAT NUMBER 8105130182, ACCORDING TO MAP
RECORDED ON MAY 13, 1981, RECORDS OF PIERCE COUNTY AUDITOR

TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES AS
DELINEATED ON SAID SHORT PLAT.

EXCEPT FROM SAID EASEMENT THAT PORTION LYING WITH SAID LOT 3.

Exhibit 4
Number of Pages 2

LAKELAND EAST PRELIMINARY PLAT

Addendum to Final Environmental Impact Statement

ISSUING AGENCY: City of Auburn, Planning, Building and Community Department
25 West Main
Auburn, Washington 98001-4998

DATE OF ISSUANCE: March 31, 2006

DESCRIPTION OF CURRENT PROPOSAL: Preliminary Plat approval for "Lakeland East," a 143 lot, single-family residential subdivision of an approx. 62.06 acre site. A Major Amendment to the Lakeland Hills South Planned Unit Development District and plat modifications to standard requirements has also been requested.

PROPONENT: Apex Engineering on behalf of Lakeland East LLC

LOCATION: The proposal is generally located between 62nd Street SE to the north, Old Man Thomas Road to the west and Sumner Tapps Hwy East to the south. The site is within Section 5, Township 20 North, Range 5 East, Willamette Meridian. The site parcel numbers are 0520052034, 0520052035, 0520052036, 0520052037, 0520053028, 0520053052, 0520053053, 0520056014, 0520056015, 0520056017, and 0520056022.

REASON FOR ISSUING ADDENDUM: The Proposed Lakeland Hills South Mining & Reclamation Plan & Planned Community Development FEIS was issued in July 1992. The current proposal is for development of a plat within the Lakeland Hills South Planned Unit Development (PUD).

The City of Auburn Comprehensive Plan contains a section on the Lakeland Hills South Special Planning Area. A provision in the plan states,

"In considering expansion to the PUD, the City established provisions and conditions to be followed during subsequent review of land use actions affecting the PUD expansion area. These include:

2. The rezone and any related applications shall demonstrate that the northernmost approximately 20-acres adjacent to and contiguous with the Lakeland Hills South PUD neighborhoods of Evergreen and Eastpointe shall not be developed as "for rent", "semi-detached" or "attached" housing products so that the existing single family residential character can transition to and be extended into the subject parcels. Development within this northerly 20 acres shall be restricted to utilizing the development standards no more intense than "Single Family Detached (SFD-5)" provisions of ACC Chapter 18.76."

The preliminary plat of Lakeland East consists of single family lots which will utilize the SFD-5 development standards within the northernmost approximately 20-acres contiguous to the Eastpointe neighborhood, which is consistent with this Comprehensive plan policy provision.

An updated wetland report has been prepared; "Lakeland East Wetland and Stream Analysis Report." Prepared by B-12 Wetland Consulting, Inc. Dated March 17, 2006. The results of the wetland report details two Category II wetlands, Wetlands "B" and "C", and one Category III wetland, Wetland "F". A previous report was prepared for the construction of Lake Tapps Parkway; "Final Wetland Report for the Proposed Lake Tapps Parkway East Roadway Extension & New Intersection CRP 5434 Pierce County, Washington." Prepared by CH2M Hill & Celeste Botha Wetlands Ecology. Revised April 8, 1997, identified Wetland "S". The 2006 wetland report concludes that the area which had previously been classified as Wetland "S" located on the north side of Lake Tapps Parkway SE west of Wetland "C" is no longer considered a wetland; instead it is a non-wetland depressional area.

A Major Amendment to the Lakeland Hills South Planned Unit Development District has been requested, which requires submittal of an environmental checklist. The overall number of units will not increase beyond the original 3,408. The Lakeland East preliminary plat is within an area recently annexed into the City of Auburn and subsequently rezoned to PUD and designated as Moderate Density Single Family. Component 6 of the Major Amendment will implement these actions by assigning the Residential 2-14 du/ac PUD density designation.

The Major Amendment to the PUD includes:

- Amendment No. 1: Deletion of School S-2
- Amendment No. 2: Change of Area 7 to Residential 2-14 du/ac
- Amendment No. 3: Change of Area 8 to Residential 2-14 du/ac
- Amendment No. 4: Change of Area 9 to Residential 2-14 du/ac
- Amendment No. 5: Revised Land Use Table
- Amendment No. 6: Designate Area 16 as Residential 2-14 du/ac

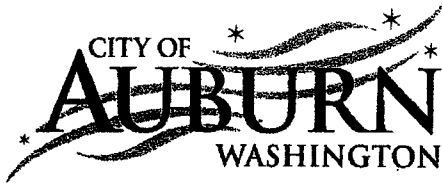
The current proposals have been determined to fall within the scope of the original FEIS.

MODIFICATIONS TO FEIS MITIGATION MEASURES: None proposed

LEAD AGENCY: City of Auburn

RESPONSIBLE OFFICIAL: Paul M. Krauss, Director of Planning, Building & Community

CONTACT PERSON: Stacey Borland, Planner, (253) 876-1905



CERTIFICATE OF IMPROVEMENTS

**FINAL PLAT APPLICATION
FAC06-0039**

COMPLETION OF IMPROVEMENTS

The required improvements for the Final Plat of _____
have been completed in accordance with the Land Division Ordinance and the City of
Auburn's standards and specifications.

City Engineer

Date

SECURITY IN LIEU OF COMPLETION

In lieu of the required public improvements for the Final Plat of **LAKELAND EAST**,
an approved security, Performance Bond, Bond # 2279654 for **\$1,076,197.50**
(150% of the estimated costs of improvements) has been submitted and approved by
the City Engineer.

A handwritten signature in black ink, appearing to be "D. S. Lee", written over a horizontal line.

City Engineer

11/7/08
Date

1. The developer has provided references and demonstrated a minimum of 3 years
successful, non-defaulted plat development experience in the Puget Sound region.

2. The bond/security is based on the following costs:

Surfacing (Sidewalk, Driveways and Ramps)	\$ 250,120.00
Asphalt Concrete Pavement & Utility Adjustments	\$ 183,775.00
Erosion Control, Planting, and Recreational Facilities	\$ 227,570.00
Traffic (Street Lighting System)	\$ 56,000.00
Subtotal	\$ 717,465.00
Financial Guarantee at \$150%	\$1,076,197.50

cc: Planning
Developer

A handwritten signature in black ink, appearing to be "M. Lee", written over a horizontal line.

P107 0039

ORDINANCE NO. 6 2 2 1

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF AUBURN, WASHINGTON, APPROVING
THE FINAL PLAT OF LAKELAND EAST**

WHEREAS, the City of Auburn received a final plat application for the Plat of Lakeland East, Application No. PLT08-0023, the final approval of which is appropriate for City Council action; and

WHEREAS, based on the review given this Plat by the City, the City Council hereby makes and enters the following:

FINDINGS OF FACT

1. Apex Engineering on behalf of Lakeland East LLC has requested final plat approval of Lakeland East and all applicable conditions have been met.
2. The preliminary plat was approved by the City Council on May 11, 2006 by Resolution No. 4026. The plat has been developed in accordance with the Lakeland Hills South Planned Unit Development zoning district.
3. Subsequent to preliminary plat approval, three minor adjustments have been processed and approved by the Planning Director in accordance with Auburn City Code (ACC) Section 17.06.100. In March 2007, a reduction in the number of lots from 143 to 132 and a change in the design and use of Tract F to accommodate 63rd Place SE were approved. In June 2007, a change in the location of the park (Tract E) from Victoria Avenue SE to 63rd Place SE was approved. In October 2008, reconfiguration of Lots 1 and 2 increasing lot area and a corresponding reduction in the total area of Tract D was approved.
4. A Certificate of Improvements has been issued by the City Engineer, accepting a security in lieu of the applicant completing all of the infrastructure improvements.
5. The project is subject to the fourth amendment to the Lakeland Annexation and Utilities Agreement.
6. The Final Plat is in compliance and in conformity with applicable Zoning and Land Division Ordinances and other applicable land use controls.

7. The Final Plat is consistent with the comprehensive plan.
8. The Final Plat meets the requirements of Chapter 58.17 RCW.
9. The Final Plat meets the requirements of the Preliminary Plat as referenced above.

CONCLUSIONS OF LAW

Because the Final Plat is in compliance and in conformity with applicable Zoning and Land Division Ordinances and other applicable land use controls of the City and is consistent with the comprehensive plan, and meets the requirements of Chapter 58.17 RCW and the requirements of the Preliminary Plat as referenced above, it is appropriate to approve the final Plat.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Approval. Lakeland East, a subdivision involving property located within the City of Auburn, Washington, which plat is legally described on Sheet 1 of the Final Plat and set forth in Exhibit "A", attached hereto and incorporated herein by reference, is hereby approved, and deemed to conform to the applicable requirements for Plat approval.

Section 2. Constitutionality or Invalidity. If any section, subsection clause or phase of this Ordinance is for any reason held to be invalid or unconstitutional such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance, as it is being hereby expressly declared that this Ordinance and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed adopted and approved and ratified irrespective of the fact that nay one or more section, subsection, sentence, clause or phrase be declared invalid or unconstitutional.

Section 3. Recordation. Upon the passage, approval and publication of this Ordinance as provided by law, the City Clerk of the City of Auburn shall cause this Ordinance to be recorded in the office of the Pierce County Auditor.

Section 4. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 5. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

PETER B. LEWIS
MAYOR

ATTEST:

Danielle E. Daskam,
City Clerk

APPROVED AS TO FORM:

Daniel B. Heid,
City Attorney

Published: _____

EXHIBIT A

A PARCEL OF LAND LYING WITHIN THE WEST HALF OF SECTION 5
TOWNSHIP 20 NORTH RANGE 5 EAST, OF THE WILLAMETTE MERIDIAN,
CITY OF AUBURN, PIERCE COUNTY WASHINGTON AND MORE
SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF EVERGREEN 2, AS SHOWN ON THE PLAT THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 200010165001, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE NORTH 02°01'22" EAST ALONG THE EAST LINE THEREOF AND THE EAST LINE OF LAKELAND DIVISION III, PHASE II AS SHOWN ON THE PLAT THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 9806225001, RECORDS OF PIERCE COUNTY, WASHINGTON, 673.81 FEET TO THE SOUTH LINE OF LAKELAND DIVISION III, PHASE I, AS SHOWN ON THE PLAT THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 9808055001, RECORDS OF PIERCE COUNTY, WASHINGTON; THENCE NORTH 89°32'04" EAST, ALONG SAID SOUTH LINE AND THE SOUTH LINE OF EASTPOINTE 2, AS SHOWN ON THE PLAT THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 200012155001, RECORDS OF PIERCE COUNTY, WASHINGTON, 1184.87 FEET; THENCE SOUTH 13°37'57" EAST 161.80 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, AND HAVING A RADIUS OF 75.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 60°54'08", A DISTANCE OF 79.72 FEET; THENCE SOUTH 74°32'05" EAST 94.37 FEET; THENCE SOUTH 31°25'19" EAST 72.00 FEET TO A POINT ON A NONTANGENT CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 216.00 FEET AND TO WHICH POINT A RADIAL BEARS SOUTH 31°25'19" EAST; THENCE NORTHEASTERLY AND COUNTER CLOCKWISE, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°20'24", A DISTANCE OF 23.90 FEET; THENCE SOUTH 31°39'12" EAST 30.64 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 100.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 81°47'33", A DISTANCE OF 142.75 FEET TO A POINT ON A NONTANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL BEARS NORTH 84°52'59" WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE 76°28'26", A DISTANCE 133.47 FEET TO A POINT ON A NONTANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL BEARS, NORTH 67°42'46" WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE 43°40'15", A DISTANCE OF 76.22 FEET TO A POINT ON A NONTANGENT CURVE CONCAVE SOUTHEASTERLY,

HAVING A RADIUS OF 100.00 FEET AND TO WHICH POINT A RADIAL BEARS, NORTH 48°24'21" WEST; THENCE SOUTHERLY AND COUNTER CLOCKWISE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 38°47'53", A DISTANCE OF 67.72 FEET; THENCE SOUTH 02°47'46" WEST 69.74 FEET; THENCE SOUTH 34°44'48" EAST 80.23 FEET TO A POINT ON THE NORTH MARGIN OF LAKE TAPPS PARKWAY SOUTHEAST, SAID POINT ALSO BEING A POINT ON A NONTANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 965.00 FEET TO WHICH POINT A RADIAL BEARS, NORTH 34°44'48" WEST; THENCE SOUTHWESTERLY AND COUNTER CLOCKWISE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 19°37'43", A DISTANCE OF 330.59 FEET; THENCE CONTINUING ALONG SAID MARGIN SOUTH 35°37'29" WEST 700.20 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 915.00 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°37'52", A DISTANCE 329.47 FEET; THENCE NORTH 33°44'39" WEST 7.00 FEET TO A POINT ON A NONTANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 908.00 FEET AND TO WHICH POINT A RADIAL BEARS, SOUTH 33°44'39" EAST; THENCE SOUTHERLY AND CLOCKWISE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°25'49" A

DISTANCE OF 149.45 FEET; THENCE NORTH 69°23'07" WEST 35.33 FEET; THENCE NORTH 24°38'29" WEST 37.96 FEET; THENCE SOUTH 65°21'31" WEST 62.88 FEET; THENCE SOUTH 24°37'18" EAST 11.92 FEET; THENCE SOUTH 89°44'13" WEST 20.84 FEET TO THE EASTERLY LINE OF PINNACLE ESTATES PHASE 1, AS SHOWN ON THE PLAT THEREOF RECORDED UNDER AUDITOR'S FILE NUMBER 200509205004, RECORDS OF PIERCE COUNTY WASHINGTON; THENCE NORTH 17°20'27" WEST 1183.62 FEET TO THE SOUTH LINE OF THE AFOREMENTIONED EVERGREEN 2 EXTENDED EASTERLY; THENCE SOUTH 89°09'03" WEST 186.23 FEET TO THE **POINT OF BEGINNING.**

TOGETHER WITH NEW PARCEL B PER RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT RECORDED UNDER A.F.N. 200812085006, RECORDS OF PIERCE COUNTY AUDITOR SITUATED IN THE CITY OF AUBURN, PIERCE COUNTY, WASHINGTON.